

FILED
IN CLERKS OFFICE
2005 JAN 25 P 3:08
Civil Action No. 03-12560RGS
U.S. DISTRICT COURT
DISTRICT OF MASS

1/26/05
Van

DAVID DEITZEL)
Plaintiff,)
vs.)
SPRINGFIELD TERMINAL)
RAILWAY COMPANY)
Defendant.)

**JOINT MOTION TO EXTEND DISCOVERY FOR THE
SOLE PURPOSE OF DEPOSING THE PLAINTIFF**

NOW COME the parties in the above entitled matter and respectfully request this Honorable Court extend discovery from January 28, 2005 to February 25, 2005 for the following reasons:

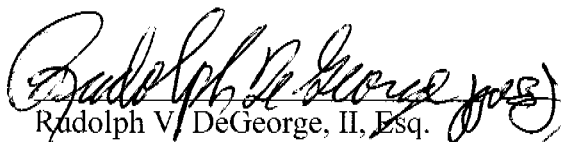
- Plaintiff's deposition was originally noticed for August 24, 2004. It did not go forward and was rescheduled for November 24, 2004 by agreement. It did not go forward on that date due to Thanksgiving.
- Defendant rescheduled the deposition for January 18, 2005. After a telephone conference with plaintiff's counsel, it was agreed that the deposition would take place on January 25, 2005.
- The parties and their respective counsel were ready, able and willing to take the deposition.
- On Sunday, January 23, 2005, defense counsel received a telephone message from plaintiff's counsel at 9:09 p.m. advising that due to the snow storm, he was unable to fly to Boston from Philadelphia.
- On Monday, January 24, 2005, counsel for the parties conferred on the telephone concerning the postponement of plaintiff's deposition. The first mutually available date to take the deposition is Friday, February 25, 2005 due to the schedules and trial schedules of counsel.
- On Monday, January 24, 2005, counsel for the defendant learned that this Court was closed for business due to the snow storm.

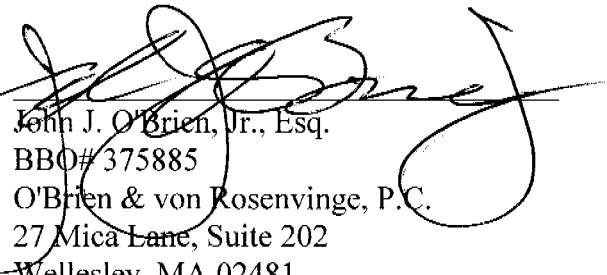
Allowed. R.B. Stearns DJ 2-7-05.

WHEREFORE, the parties hereby request that the Scheduling Order be amended for the sole purpose of extending discovery to February 25, 2005 so that the Plaintiff's deposition can go forward. This Joint Motion will not effect any of the other deadlines contained in the Court's original Scheduling Order dated June 9, 2005.

The plaintiff,
David Deitzel,
By his attorney,

The defendant,
Springfield Terminal Railway Company
By its attorney,


Rudolph V. DeGeorge, II, Esq.
Barish Law Offices, P. C.
Three Parkway - 13th Floor
Philadelphia, PA 19102
(215) 923-8900


John J. O'Brien, Jr., Esq.
BBO# 375885
O'Brien & von Rosenvinge, P.C.
27 Mica Lane, Suite 202
Wellesley, MA 02481
(781) 239-9988

DATED: 1-24-05

JointMtnExtDiscPlDepo